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4 **UNITED STATES DISTRICT COURT**
5 **SOUTHERN DISTRICT OF CALIFORNIA**
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7 CATALINA PENA,

8 Plaintiff,

9 v.

10 CARA BROOKS CORPORATION
11 DEFINED BENEFIT PENSION PLAN, et
12 al.

13 Defendants.

Case No. 09cv720 BTM (AJB)

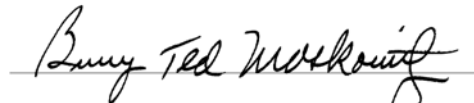
**ORDER DENYING MOTION TO
DISMISS**

14 Defendant Jasmine Moore has filed a motion to dismiss the claims against her [Doc.
15 99]. She is pro se and fails to argue why the Second Amended Complaint does not state a
16 claim. Although she says that she has "no relationship to this matter," Plaintiffs allege she
17 received some of the money from the allegedly fraudulent loan at issue here. On a motion
18 to dismiss, the Court must take the Plaintiffs allegations as true. *See Parks Sch. of Bus., Inc.*
19 *v. Symington*, 51 F.3d 1480, 1484 (9th Cir. 1995). The Court therefore declines to dismiss
20 the claims for an accounting, conversion and violation of the California Business &
21 Professions Code against her.

22 Moore's arguments are better suited for a motion for summary judgment, not a motion
23 to dismiss. Her motion is **DENIED**.

IT IS SO ORDERED.

24 DATED: July 7, 2010

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26 Honorable Barry Ted Moskowitz
27 United States District Judge
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